HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 481 OF 2006

PETITIONER		Vijay Gupta S/o Shri Ram Gupta, aged about 38 years, resident of Arang Tahsil Arang, District Raipur (CG)
	versus	
RESPONDENTS	1.	The State of Chhattisgarh, Mining Department, through Secretary Mining Department, D.K.S. Building Raipur.
	2.	The Collector (Mining Officer) Raipur, Tahsil and District Raipur (C.G.)
	3.	The Director, Directorate of Zoology and Mining, Ring Road, Raipur, Tahsil and District Raipur (C.G.)

Present : Mr. N.K. Chatterjee, learned counsel for the petitioner.
Mr. Sanjay S. Agrawal, learned G.A., for the State of C.G.

ORAL ORDER
(Passed on 30th January, 2006)

The petitioner, being aggrieved by the order of the second respondent dated 23/01/2006 cancelling mining lease, preferred an appeal to the third respondent and the same is pending. In the said appeal, the petitioner moved an interlocutory application for stay, but, the appellate authority refused stay. Hence, he has approached this Court under Article 226 of the Constitution of India.

(2) I heard learned counsel for the petitioner. The mining lease has been cancelled by the second respondent on the grounds of certain alleged violations of the terms and conditions of the lease. The question whether the second respondent is justified in terminating mining lease or not is seized of by the appellate authority. Unless the petitioner succeeds

in the appeal, it may not be just and proper for this Court to restore the possession of the leased property to the petitioner. Such a course of action would not be conducive in the public interest also. In that view of the matter, I am not inclined to grant relief sought in this writ petition. The writ petition is accordingly dismissed. However, the third respondent - appellant authority is directed to hear and dispose of the appeal as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order. No cost.

Sd/-
Hon'ble the Acting Chief Justice

Brajesh